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January 27, 2022

**BY E-FILE AND HAND DELIVERY**

The Honorable Christopher J. Burke  
United States District Court of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *Sysmex Corporation and Sysmex America, Inc. v. Beckman Coulter, Inc.*  
C.A. No.: 19-1642-RGA-CJB

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Dear Judge Burke:

I write on behalf of my client, Beckman Coulter, Inc. (“BCI”), in response to Sysmex’s letter (D.I. 460).

The excerpted exhibits filed by BCI in D.I. 442–43 contain all portions of the original, full-length exhibits (filed at D.I. 416–20) that were cited by either party, and thus do not prejudice Sysmex. Rather, Sysmex correctly noted that BCI was “attempting to make things easier on the Court.” (D.I. 460.) Indeed, BCI’s excerpted exhibits will significantly reduce the volume of papers in the pleadings. Sysmex cites no error nor any reason for why the record should be broader than what the parties relied on in briefing. The submission of excerpted versions of full-length documents as exhibits also is consistent with the Court’s procedures in other areas (such as trial) in order to preclude parties from formulating new arguments not presented at trial or in briefing. Further, BCI’s excerpted exhibits were timely filed in accordance with the parties’ stipulation entered by the Court. (D.I. 422.) Because the excerpted exhibits include the portions of the original exhibits referenced in Sysmex’s briefs, BCI could not have filed them with the Court until after briefing was completed. Sysmex provides no authority that a meet-and-confer is required here, especially given the parties’ stipulation. In addition, BCI notes that Sysmex filed its letter without attempting to confer with BCI.

Accordingly, BCI requests that the Court maintain BCI’s Notice of Withdrawal of the full-length exhibits in D.I. 416–420. In the alternative, if the Court prefers that the full exhibits remain on the docket, Sysmex is required to redact the pleadings in a manner consistent with the law of this jurisdiction, as ordered yesterday. (D.I. 459.)

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Respectfully,

*/s/ Melanie K. Sharp*

Melanie K. Sharp (No. 2501)

MKS:mg

cc: Counsel of Record, Kelly F. Farnan, Esquire (by e-mail)

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